

REMARKS

Claims 1-43, 60, 61, 63, and 64 are pending in this application. Of these, claims 1, 14, 27, 28, 38, 60 and 63 are independent. Favorable reconsideration and further examination are respectfully requested.

Initially, Applicants thank the Examiner for the indication that claim 63 contains allowable subject matter. As shown above, claim 63 has been rewritten into independent form. Some additional changes were also made to the resulting independent claim; however, those changes are not believed to affect claim 63's patentability. Accordingly, claim 63, and new dependent claim 65, are believed to be allowable.

Next, claims 28, 29, 38, 60 and 63 were objected to for the reasons noted on page 2 of the Office Action. As shown above, Applicants have amended those claims to address the Examiner's concerns in the Office Action. In view of these amendments, withdrawal of the objection to claims 28, 29, 38, 60 and 63 is respectfully requested.

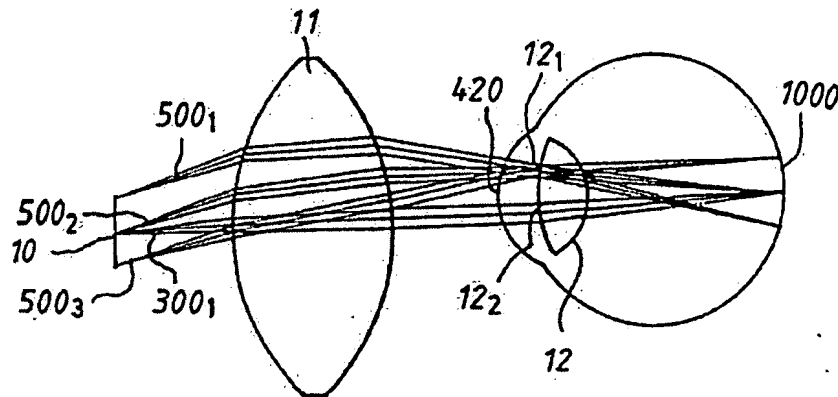
Turning to the art rejections, the independent claims were rejected over U.S. Patent No. 5,506,634 (Wei). The dependent claims were rejected variously over Wei in view of U.S. Patents Nos. 3,984,157 (LeVantine), 5,742,237 (Shipp), and 4,453,808 (Takahashi). As shown above, Applicants have amended the claim to provide further clarification. In view of these amendments, withdrawal of the art rejections is respectfully requested.

In this regard, the independent claims have been amended to recite that the light converges towards a lens of the eye, substantially collimates through the lens, and diverges after

exiting the lens.¹ This configuration has advantages over the prior art. For example, as described, e.g., on page 5, line 14, the patient's pupil may be relatively small – on the order of 2.5mm or so. By contrast, in art such as Wei, the minimum pupil diameter is 4mm.² Furthermore, the claimed configuration enables selective illumination of the retina, whereas the illumination in the prior art is uniformly diffuse. This is believed to be advantageous because less light, and therefore less pupillary restriction and patient discomfort, result. Furthermore, the configuration enables imaging through direct reflectance off of the retina and, it is believed, without substantial interference caused by diffuse illumination.

The applied art is not understood to disclose or to suggest the foregoing features of the independent claims. More specifically, as shown in Fig. 3 of Wei (reproduced below), the illumination light, ray bundles 500₁, 500₂, 500₃, do not behave as claimed.

FIG. 3



¹ See, for example, Fig. 6 of the application.

² See, e.g., Wei, col. 2, lines 38 to 45

That is, they do not substantially collimate through the lens and diverge after exiting the lens. Rather, ray bundles 500_1 , 500_2 , 500_3 enter the lens, begin diverging immediately upon entry into the lens, and continue diverging thereafter, resulting in the diffuse illumination described above. By contrast, in the independent claims, the light remains substantially collimated in the lens, and diverges upon exiting the lens.

For at least the foregoing reasons, independent claims 1, 14, 27, 28, 38, 60 are believed to be patentable over Wei. The remaining art has been reviewed and is not understood to add anything that would remedy the foregoing deficiencies of Wei vis-à-vis the independent claims. Accordingly, independent claims 1, 14, 27, 28, 38, 60 are believed to be allowable.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claims, except as specifically stated in this paper, and the amendment of any claims does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Please apply any other charges or credits to Deposit Account No. 06 1050, referencing Attorney Docket Number 10276-085001.

Respectfully submitted,

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